



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: JUD DPA 8-0-0-0 | 3rd Read 30-0-0-0

House: JUD DP 9-0-0-1 | 3rd Read 58-0-2-0

SB 1391: juvenile proceedings; appointment of attorney

Sponsor: Senator Barto, LD 15

Transmitted to the Governor

Overview

Requires the appointment of an attorney for certain juvenile hearings and permits, rather than requires, the court to appoint a guardian ad litem in court hearings.

History

A juvenile has the right to be represented by counsel in all proceedings involving offenses, dependency or termination of parental rights. If the juvenile, parent or guardian is found to be indigent, the juvenile court must appoint an attorney unless counsel is waived by both the juvenile and the parent or guardian. In court appearances where mental health hospitalization of a juvenile is considered, the waiver of counsel may be withdrawn at any time ([A.R.S. § 8-221](#)).

A guardian ad litem must be appointed by the court to protect the best interests of a juvenile if a dependency petition includes an allegation of abuse or neglect of the juvenile, or may be appointed by the court in any other dependency action (A.R.S. §§ [8-221](#); [8-522](#)).

Provisions

1. Requires the court to appoint an attorney before the first hearing for any delinquency, dependency or termination of parental rights proceedings, regardless of whether the proceeding may result in detention. (Sec. 1)
2. States the appointed attorney will represent the child at all stages of the proceeding, and through permanency in a dependency proceeding. (Sec. 1)
3. Allows a juvenile to waive the right to counsel without the consent of the parent or guardian, provided it is waived knowingly, intelligently and voluntarily. (Sec. 1)
4. Prohibits the waiving of counsel in any court appearance which may result in the mental health hospitalization of a juvenile. (Sec. 1)
5. Removes the obligation of a juvenile to reimburse for the appointment of an attorney if the court finds that juvenile financially able to do so. (Sec. 1)
6. Allows, rather than requires, the court to appoint a guardian ad litem for a juvenile in a dependency proceeding that includes an allegation that the juvenile is abused or neglected. (Sec. 1)
7. States that the guardian ad litem must be an attorney, rather than either an attorney or a court appointed special advocate, but is not the child's attorney. (Sec. 1)
8. Repeals archaic language. (Sec. 1)
9. Makes technical and conforming changes. (Sec. 1, 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note